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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
(HONORABLE JANIS L. SAMMARTINO)

UNITED STATES OF AMERICA,)	Criminal No. 08CR1604-JLS
)	
Plaintiff,)	Date: June 20, 2008
)	Time: 1:30 p.m.
v.)	
)	NOTICE OF MOTIONS AND MOTIONS
DANIEL CRUZ-ESCOBAR,)	TO DISCHARGE, SUPPRESS, AND DISMISS
)	
Defendant.)	
)	

PLEASE TAKE NOTICE that on Friday, June 20, 2008, Defendant Daniel Cruz-Escobar, by and through counsel, Todd W. Burns and Federal Defenders of San Diego, Inc., will ask this Court to enter an order to: (1) discharge Mr. Cruz, due to the government's failure to proceed with the preliminary hearing as required by Federal Rule of Criminal Procedure 5.1 and 18 U.S.C. §3060; (2) suppress the fruits of the unlawful search and seizure of Mr. Cruz; (3) dismiss because the indictment does not allege all elements of the charged offense; (4) suppress Mr. Cruz's statements due to an invalid Miranda waiver; (5) dismiss because the offense charged is an unconstitutional infringement on Mr. Cruz's Second Amendment right to bear arms; and (6) compel discovery. These motions are based on the facts in this case, and all relevant law.

Respectfully submitted,

Dated: June 6, 2008

/s/ TODD W. BURNS
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